

Notice of Allowability

Application No.

10/505,156

Examiner

Robert G. Santos

Applicant(s)

TAGUCHI ET AL.

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the papers filed on 28 February 2007 and the telephonic interview held on 15 March 2007.
2. ☒ The allowed claim(s) is/are 2-12 and 15-23, now renumbered as claims 1-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070315.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Robert G. Santos
Primary Examiner
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EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on March 15, 2007, Mr. Brian K. Seidleck requested an extension of time for ONE MONTH(S) and authorized the Director to charge Deposit Account No. 500417 the required fee of \$120.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

- 1) In line 8 of claims 2 & 15-20: The phrase "at least one" has been changed to the term --each--.
- 2) In line 9 of claims 2 & 15-20 and in the last line of claim 23: The first instance of the term "the" has been changed to the term --each--.
- 3) In line 13 of claims 2 & 15-18; in claim 19, line 15; and in claim 20, line 14: The third instance of the term "the" has been changed to the term --each--.
- 4) In claim 6, line 1: The phrase "comprising:" has been deleted.
- 5) In claim 6, line 2: The phrase "a side member disposed on either side of the platform," has been deleted.

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- 6) In line 15 of claims 15 and 16: The second instance of the term “the” has been changed to --each--.
- 7) In the last line of claim 15: The term “are” has been changed to --is--.
- 8) In claim 18, line 15 and in claim 22, line 7: The term “the” has been changed to the term “each”.
- 9) In line 4 of claims 21-23: The first instance of the term “a” and the second instance of the term “the” have been changed to the term --each--.

2. The following is an examiner’s statement of reasons for allowance: The examiner respectfully asserts that none of the prior art, taken either singly or in combination, is seen to teach or suggest the use of an adjustable bed comprising a platform having a flexible surface and a side member disposed on *each* side of the platform in combination with a plurality of distinct actuating mechanisms including a flex mechanism adapted to flex the platform to form a flexion position that includes at least one of a sitting-up position and knee break, a tilt mechanism adapted to laterally tilt the platform surface and a side-member lift mechanism adapted to raise each side member relative to the platform surface, wherein the flex and tilt mechanisms *are both operable with the other mechanism in an operational state* and the tilt mechanism tilts the platform surface *toward each side member raised by the side-member lift mechanism* as explicitly recited in Applicants’ independent claims 2 and 15-23. With regards to the prior art, only the Bergersen ‘964 reference is considered to disclose the use of an articulating bed including a platform having a flexible surface and a flex mechanism, a tilt mechanism and a side-member lift mechanism; however, Bergersen ‘964 only discloses the use of a single side member.

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(to provide a simple nesting configuration for a patient supported thereon) as opposed to a pair of side members disposed on each side of the platform as recited in Applicants' claims. Since an updated search of the prior art did not yield any other references pertinent to Applicants' claims, it is considered that the application is currently in full and proper condition for allowance.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert G. Santos
Primary Examiner
Art Unit 3673

R.S.
March 15, 2007